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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00029 HG
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING THE TRIAL DATE AND
vs.)	EXCLUDING TIME UNDER THE SPEEDY
)	TRIAL ACT
PRINCE TARPLEY, also known as)	
Scott Tarpley and Larry)	Old trial date: 11/15/05
Bennett,)	New trial date: 02/09/06
)	
Defendant.)	
)	

STIPULATION AND ORDER CONTINUING THE TRIAL DATE
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

On October 18, 2005, the defendant Prince Tarpley, via his attorney, Alvin Nishimura, filed a motion to continue the trial. On October 19, 2005, the United States filed a notice of no opposition to the defendant's motion. On or about October 20, 2005, the Court informally granted the defendant's motion with the expectation that a written stipulation and Order would follow. This stipulation and Order memorializes the Court's informal verbal order.

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein that the jury trial that was previously scheduled for November 15, 2005, is continued until February 9, 2006. This continuance is made at the request of the defendant's counsel in order for him to adequately prepare pretrial motions and to prepare for trial, if necessary. The case is somewhat complicated and involves preparing for a multi-count indictment charging separate firearms and drug trafficking crimes. It also contains hundreds of pages of discovery materials.

IT IS FURTHER STIPULATED AND AGREED by and between the parties that the defendant's new motions deadline is January 3, 2006, the government's deadline to respond is January 17, 2006, the final pretrial conference before U.S. District Judge Helen Gillmor is scheduled for February 3, 2006, and the final pretrial conference before the magistrate is scheduled for January 17, 2006.

IT IS FURTHER STIPULATED AND AGREED by and between the parties that the time period between the old trial date of November 15, 2005, and the new trial date of February 2, 2006, be excluded from the computations required by the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(8)(A) in that the ends of justice served by the granting of this continuance to permit continuity of counsel and allow the defense reasonable time necessary to effectively and adequately prepare for trial outweighs the best

interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED:

Dated: Honolulu, Hawaii, January 19, 2006.

/s/ Marshall Silverberg
Marshall Silverberg
Assistant U.S. Attorney

/s/ Alvin Nishimura
Alvin Nishimura, Esq.
Counsel for defendant

ORDER

The Court hereby finds that the defendant's counsel needs additional time to properly prepare for a possible trial. Further, according to the defendant's counsel, he needs additional time to develop a proper working relationship with the defendant. Finally, the case is a complicated one because the defendant has been charged as an Armed Career Criminal facing a mandatory minimum sentence of 15-years and he also has been charged with a serious drug trafficking crime that carries a mandatory minimum sentence. For all of these reasons, the Court orders that the trial date be continued until February 9, 2006, and the time period between the old trial date of November 15, 2005, and the new trial date be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A). The Court finds that the continuance is necessary and that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. In making this finding, the

Court has considered the factors set forth in 18 U.S.C. § 3161(h)(8)(B)(i), (ii), and (iv).

SO ORDERED.

DATED: February 15, 2006, at Honolulu, Hawaii.





Helen Gillmor
Chief United States District Judge

United States v. Prince Tarpley

Crim. No. 05-00029

Stipulation and Order Continuing the Trial Date and Excluding Time Under the Speedy Trial Act